

ENTERED

April 13, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

6.584 ACRES OF LAND, more or
less, HIDALGO COUNTY, TEXAS; ELOISA
ROSA CAVAZOS; et al.,

Defendants.

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CIVIL ACTION NO. 7: 20-cv-00244

ORDER

The Court now considers Defendant Eloisa Cavazos's unopposed motion to continue the parties' upcoming initial pretrial conference and joint discovery/case management plan deadline.¹ Because the motion is unopposed, the Court considers it as soon as practicable.²

On February 2, 2021, the Court continued the parties' initial pretrial and scheduling conference until April 13, 2021, and deadline to file a joint discovery/case management plan until April 2, 2021, in light of President Biden's January 20th proclamation.³ Defendant now requests to extend the conference and deadline by at least thirty days.⁴ In support of her request, Defendant provides that the Proclamation directed the development of a "plan for the redirection of funds concerning the southern border wall" by March 21, 2021;⁵ however, "the government has not yet completed the plan."⁶ Defendant further provides that "[i]f the new plan indicates that the subject property is no longer needed for the purpose taken, Defendant will request revestment

¹ Dkt. No. 56.

² LR7.2 ("Motions without opposition and their proposed orders must bear in their caption 'unopposed.' They will be considered as soon as it is practicable.").

³ Dkt. No. 55 (citing Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021)).

⁴ Dkt. No. 56 at 5, ¶ 14.

⁵ Dkt. No. 56 at 2-3, ¶¶ 2 & 5 (citing Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021)).

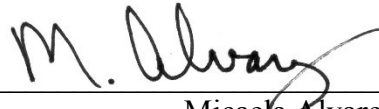
⁶ Dkt. No. 56 at 3, ¶ 7.

from the United States.”⁷ She argues that “[a]bsent a plan, Defendant[] cannot assess the legal foundation of the government’s requests or possibility of revestment.”⁸ In considering Defendant’s request, the Court notes that the United States has provided no indication that the plan will be developed within sixty days. The Court is concerned that granting a continuance on this basis will merely lead to the indefinite continuation of this case. For these reasons, the Court does not find good cause for a continuance on that basis.

Accordingly, the Court **DENIES** Defendant’s motion.⁹

IT IS SO ORDERED.

DONE at McAllen, Texas, this 12th day of April 2021.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁷ *Id.*, ¶ 6.

⁸ *Id.*, at 4, ¶ 8.

⁹ Dkt. No. 56.